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ABSTRACT

This workbook accompanies a videotape (available from the same source) developed as part of a workplace English-as-a-Second-Language (ESL) literacy project. The project was an effort to integrate workplace rights and union issues into a literacy curriculum, and is intended primarily for intermediate to advanced ESL students. The curriculum consists of five units: (1) safety and health, (2) workers' compensation, (3) discrimination, (4) unions, and (5) workplace rights. In each unit, workplace issues are represented in the form of two or three short skits, each presenting a specific issue. The skits are transcribed in the workbook and accompanied by preparatory exercises, structured language activities, and guided questions that encourage students to move from the descriptive to an interpretive level. Because students may need additional facts to inform their responses at the interpretive level, a fact sheet for each unit is appended. An attempt is made to integrate listening, speaking, reading, and writing based on but not limited to the context of the issue. An introductory section in the workbook provides suggestions for use and adaptation of both the videotape and workbook. (MSE) (Adjunct ERIC Clearinghouse on Literacy Education)

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WorkBook for *WorkPlays: You and Your Rights on the Job*

by: Lenore Balliro

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Acknowledgements

From idea to product, *WorkPlays* was truly a collaborative process as part of the Workplace Education Project through the Labor Education Center. Acknowledgements for the production of the tape are listed at the end of the video itself.

Evie Frankl wrote the scripts, conducted research for and wrote the fact sheets, and directed all of us in acting the roles in *WorkPlays*.

Erica Bronstein, Claudia Couto, and Janet Isserlis provided editorial assistance and feedback on the *WorkBook*. Ellen Vaut brainstormed on format ideas and contributed the title *WorkPlays*.

In addition, valuable insights were given by the participants of the ESL in the Workplace Conference held at University of Massachusetts, Boston in February, 1988.

Elsa Auerbach's and Nina Wallerstein's *ESL for Action* has proved a valuable prototype for problem - posing on work related issues.

Additional copies of the *WorkBook* can be ordered from:
Labor Education Center
Southeastern Massachusetts University
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For the Instructor

WorkPlays was developed as part of a Workplace ESL/Literacy project sponsored through the Labor Education Center at Southeastern Massachusetts University, from 1986-1988. We designed the video, with generous support through Gateways Cities of New Bedford, in an attempt to integrate workplace rights and union issues into our curriculum. We feel that it is most suitable to intermediate or advanced ESL students and may certainly be suitable for ABE, citizenship, or other kinds of classes as well.

In order to ensure that we were indeed representing real-life community and workplace issues, we engaged in a research process prior to and during the actual design of the tape.This is what Deborah Barndt *(English at Work, a Toolkit for Teachers)* has called "scratching the surface." Interviews with students, teachers, community experts and others provided direction for the content of the video, from writing the skits to writing the fact sheets that accompany each unit.

Though designed with a particular audience in mind -- Portuguese speaking factory workers in Southeastern Massachusetts-- our experience with other groups of language minority working adults suggests that the themes and issues are relevant for a larger audience.

The video itself is a tool to help continue to probe and conduct needs assessment in the classroom. In Barndt's terminology, this is the "digging deeper" step. We hope that the tape helps serve this function in your program.

FORMAT

The tape

The tape is structured into five "units" or topics (Safety and Health, Workers' Compensation, Discrimination, Unions, and Know Your Workplace Rights) and takes a problem-posing approach. (For valuable background material on adapting Paulo Friere's work and problem posing to the ESL classroom, please see Wallerstein's *Language and Culture in Conflict* and Wallerstein and Auerbach's *ESL for Action.)*

For each "unit," workplace issues are represented in the form of short skits. Each unit has 2 or 3 of these skits or "codes" in Friere's terminology. Each "code" makes concrete a particular issue or theme. With guided questions in the workbook, students are encouraged to respond to each of the codes, moving from a descriptive to an interpretive level.

At the interpretive level, students may find that they need facts to inform their response. For this reason, we have included a "fact sheet" with each unit. The fact sheet is read onscreen and included as part of the *WorkBook* text. We hope that the fact sheets are as useful to teachers as they are to students, providing technical and legal information about complex issues.

Because of the complexity of this information, we have the fact sheets available in Spanish and Portuguese.

The *WorkBook*

The *WorkBook* is intended as a guide to help implement the tapes. Each unit in the *WorkBook* accompanies the units of the tape and provides previewing, viewing, and reviewing activities. Structured language work (including context-based grammar) is combined with critical literacy. Questions that stimulate discussion are also included. There is an attempt to integrate listening, speaking, reading, and writing based on, but not limited to, the context of the video. Teachers are encouraged to find their own creative adaptations of the tape and not be limited by the few ideas that are described here.

Suggestions for adapting the video and tape

In order to get a sense of the scope of the tape and the nature of its narrative style, it's a good idea to preview *WorkPlays* all the way through. Certain episodes may seem particularly suitable for your students while others may not seem appropriate. At first viewing, you might wish to skim the factual information, going back to it more intensively as you implement the unit in the classroom.

Similarly, previewing the workbook will give you some suggestions for actually adapting the tape for use in language and literacy instruction.

Not all ideas for adaptation are reproduced for all units. Therefore, you may come across a suggestion in Unit 1 that is equally applicable to the material in Unit 3.

The following is an outline of some general strategies for implementing the skits.

I. Preview:

- View the skit **without sound**. Have students predict what is happening and have them give support for their speculations. Focus on facial expressions, gestures, setting, how the characters seem to be feeling, what they are saying, etc. Later you can compare predictions to the actual dialogue and situation presented.
-Set the context for viewing by discussing unfamiliar concepts and key vocabulary, linking to students' prior experience and knowledge whenever possible.

II. View (View as many times as you need to, each for a particular purpose)

-Watch the skit all the way through in order to get an overall sense or "main idea" of the situation presented.
-Watch again, selectively. Stop to clarify or emphasize certain points.
-Set a purpose for viewing: generate some questions of your own that you want students to actively look for as they watch.

III. Review

-Have students summarize/sequence events in the skit (orally, in writing, as a group)
-Use questions for discussion provided in *WorkBook* moving from literal comprehension to critical reflection
-Have students act out the skits, create alternative dialogue, create follow-up skits (orally or written)
-Put skits and fact sheets on audiotape, let students listen to the tape and follow the text of the skit. Create questions or use questions in *WorkBook* to guide listening follow up.

Other Reading/Writing Suggestions

-Leave out the names of the speakers and have students identify dialogue with speakers
-Cut skits into strips of dialogue. Have students resequence according to original order
-Create cloze exercises with the skits, have students fill in words that would make sense
-After viewing several of the skits, mix up chunks of dialogue, have students identify dialogue with skit
-Have students write short paragraphs taking and supporting a position or point of view on one of the issues raised from the skit
-Have students write memos or letters relating to events in one of the skits (Advice to a character, etc.)
-Have students look up names and addresses of community and state resources relating to workplace rights/safety, create a directory
-Have students interview experts on workplace rights safety/union reps, etc.

When to use?

Teachers in our project have implemented the tapes in two ways. One approach is to insert a particular unit as related issues arise in the classroom (or on break, after class, anywhere where issues are actually disussed.) For example, when a class discussion for a group of women garment workers moved into the area of sexual harrassment at work, the skit "Fatima's Dilemma" (in Unit III, Discrimination) was an appropriate choice for the next day's lesson.

Another approach is to introduce topics for discussion using the tapes as a catalyst to elicit responses and explore issues. For example, though not all students suffer from the same occupational illness as Maria in *Maria's Wrist* (Carpal Tunnel Syndrome), this skit may trigger discussions about other kinds of work-related illnesses.

It is assumed that the particular learning community of the class will determine how the tapes should be used. We certainly don't suggest that you follow this curriculum from beginning to end, though this is one possibility for structuring a workplace curriculum.

"Since feeling is first..."

The tapes provide a context for discussion and analysis. They provide factual information. They also deal, implicitly and explicity, with feelings about issues, events, and situations. Incorporating the affective aspect of language learning can help adult learners, particularly refugees and immigrants, to rehearse strategies for dealing with stressful life situations. As such, problem - posing with the use of videos like *WorkPlays* can provide a context for what psychologists call primary prevention or preventive mental health. For an informative and helpful book on this subject, teachers are directed to *Primary Prevention in the ESL Classroom,* M. Paul, ed.

"No pedagogy is neutral "...(Friere)

We're not trying to impose "correct" answers to complex questions through the use of *WorkPlays*, but rather to present some dramatizations about real life issues as a basis for learning language and literacy. We hope the tape leads to some lively discussions, debates, student-based research and many digressions, providing a rich source of possible content for teaching language.

Making Your Own Tapes

Though we had the luxury of working for a year with professional writing and directing, we think that lower budget, student-based videos can be produced within the framework of the classroom. For suggestions in adapting video to the ESL classroom, see Alan, M., *Teaching English with Video* . Harlow, Esssex, England: Longman Publishing Company, 1985.

A Note About the Fact Sheets

Information relating to state law in the fact sheets is limited to Massachusetts. Anyone outside of Massachusetts should contact local sources to find appropriate information relevant to that state.

ALL OF THE FACT SHEETS ARE LOCATED AT THE END OF THE WORKBOOK.

For the Student

In *WorkPlays* you will watch some short "skits" about different people. They talk a lot about work. They talk about some problems and feelings.

You will also hear some information about your rights as a worker and about some laws that protect you.

Some new words:

When we talk about movies, books, poems, or plays sometimes we use special words. Here are some that you will use as you watch *WorkPlays* and read about it.

skit:	A skit is like a short play where people act out stories.
title:	A title is the name of a skit, play, book, story, or movie.
characters:	Characters are people in skits, plays, books or movies.
setting:	The setting is where the story happens. (For example, at work, in a kitchen, or in a cafeteria.)
dialogue:	A dialogue is talk between two characters.

Unit I - Health and Safety and Your Rights

Maria's Wrist

Working Too Hard, Working Too Fast?

The Petition

Maria's Wrist

Pre-view: Read and Discuss

Read about the characters in *Maria's Wrist:*

Maria: Maria works in a factory. She is forty-five years old. She is a stitcher. She is married.

João: João is Maria's husband. He is thirty eight years old. He works in a factory, too. He is a machine operator.

Carlos: Carlos is Maria's and João's son. He is seventeen years old. He is a student.

What is Maria's job?

_____.

What is João's job?

_____.

Where do they work?

_____.

What is your job?

_____.

Where do you work?

_____.

Imagine:

Suggestion: Have the students imagine the characters and describe them with as much detail as they can. Students can use the space below to record new descriptive language or phrases. Later, they can redescribe the characters and compare their original predictions.

What does Maria look like?

What does João look like?

What does Carlos look like?

What country are they from?

Where do they live?

The title of the first skit is *Maria's Wrist*. What do you think this will be about? Why do you think so?

Words to describe people:

Pre-view (without sound)

Suggestion: You may want to divide this into two segments - before João enters then after João enters

Watch *Maria's Wrist* with no sound.
Look at how they act. Watch their faces and other expressions. Then try to answer these questions:

--What is happening?
--What is Maria saying to Carlos?
--What is Carlos saying to Maria?
--How does Maria feel?
--What do Maria and João say to each other?
--How do they feel?

Suggestion: Students' predictions of dialogue could be used as a basis to discuss non-linguistic aspects of communication - facial expressions, body movements, etc.

Write:

Write what you think is happening in the skit. Tell why you think so.

View 1

Watch the skit all the way through, once. Don't worry if you miss some words. Try to understand what is happening.

Here are some new words.

Suggestion: Again, you might want to divide into two segments.

View 2

Now watch *Maria's Wrist* again. Ask the teacher to stop the tape at places where you do not understand, or where you want to listen again.

New Words:

driving me crazy:	making me feel tense, irritable
how come:	why
crybaby:	someone who complains a lot
swollen:	puffed up

Other new words:

Review - Discuss

Why does Maria ask Carlos to open the window?
What does Maria mean by "I'm on another bad job?

What does she mean by "On these rates, I have to work too fast?"

How does Maria feel?
How does her husband feel?
Do you think they get along with each other? Why?

What does her husband tell her to do?
What do you think Maria should do?

Why do you think the company doctor tells Maria there is nothing wrong?

Do you have health problems from work?
What are they?
What can you do about them?

Suggestions:

1.Discuss body parts, using total physical response, charts from other ESL texts or other charts. Keep words for body parts on wall.
2.Discuss vocabulary for illness and health.
Have students practice identifying symptoms using substitution drills:
I have a headache/he has a headache. I'm tired/he's tired.
3. Introduce feeling words: worried, anxious, calm, excited, bored, etc. Use the words to identify how the characters in the skit are feeling.

Read

Now read the skit on the next page. Discuss the new words and phrases with your teacher and with each other. Write down the new words in the spaces.

_____

I,1

Maria's Wrist

Setting - Maria's kitchen
Characters: Maria
João, her husband
Carlos, her son

Maria: Carlos, please close the window.

Carlos: But Mom, I'm washing the dishes. My hands are all soapy.

Maria: The trucks outside are driving me crazy. I can't close it because my wrist hurts. *Close the window!*

Carlos: O.K., O.K. How come you're so upset?

Maria: I'm sorry. I'm on another bad job. I can't work fast enough to make any money because of my wrist.

Carlos: Did you go to the doctor? You said you would make an appointment.

Maria: I went to the company doctor. He said there was nothing wrong.

Carlos: How could he say that? That wrist has been bothering you for months.

Maria: Everyone has problems. I'm no crybaby!

Enter João

(Maria's Wrist, continued)

João: Is supper ready yet?

Maria: No.

João: I'm hungry. When are we eating?

Maria: It's taking a long time.I have a headache again and my wrist hurts, so it's slow opening the cans.

João: Then take some aspirin. And let Carlos open the cans.

Maria: I did. It didn't help. But I just can't take aspirin all the time. The problem is the job.

João: You have to work. We need the money.

Maria: I know we do. But on these rates, I have to work too fast. My eyes hurt all the time and now my wrist has been swollen for weeks.

João: We need the money.

Maria: I heard you. I heard you.

Review-Write

Work with a partner. Write down the story as you remember it. You might want to practice words like first, then, next.

Suggestion: For editing practice, have students put their writing on newsprint using thick markers. Tape the newsprint sheets on the board or wall. Other students can edit the writing, checking for accuracy of detail in content and one or two grammatical features (spelling, end punctuation, capitalization.) Students can keep their own list of spelling words from exercises like this. This exercise can be adapted to other pieces of writing.

Grammar Work

Possessives:

Suggestion: You might want to bring in some other grammar work about possessives if it seems appropriate to add to the suggestions here.

To show ownership, add 's to something for the singular (one person or thing). Add s' for the plural (more than one person or thing.)

Example: Carlos is Maria's son.

Fill in these examples:

I. Maria is _____wife.

2. João is _____husband.

3. Carlos is _____son.

4. _____ wrist is swollen.

5. _____hands are all soapy.

6._____eyes hurt.

_____

_____

_____

Working Too Hard, Working Too Fast?

Pre-view

Read about the characters in *Working Too Hard, Working Too Fast?*

Suggestion: If the students have already been introduced to the characters in the previous scene, you might want to have the students reintroduce the characters before they read.

Maria: Maria works in a factory. She works piece-work. Her wrist hurts. She thinks it is from the job.

Theresa: Theresa is Maria's friend. She works in the same factory as Maria.

Ana: Ana works in the same factory as Maria and Theresa.

Imagine:

The title of this skit is *Working Too Hard, Working Too Fast?* Maria, Theresa, and Ana are in the cafeteria on their break. What do you think it will be about?

Discuss:

Do you get breaks at work? When?
Who do you sit with?
What do you talk about?

View 1

Watch the video through with no sound.
Discuss these questions:

What are the women doing?
What is Ana doing?
What is Theresa doing?
What are they eating?
What do you think they are talking about?

Write:

Write some sentences about what the women are doing.

Suggestion: This might be useful for practice with present continuous. Students can add their own examples.

Example: They are talking.

Ana is _____
Maria is _____
_____
_____

View 2

Watch the video again with sound. Ask the teacher to stop if you don't understand something or if you want to watch it again.

Suggestion: It might be useful to stop the tape when Theresa says "That's great" and Ana says "Keep dreaming" to discuss sarcasm, tone, irony, and other interpretive features of dialogue.

New Words:

jittery: nervous

guards: parts of a machine that protect the worker from getting hurt.

union: an organization of workers that acts to protect workers' rights.

rights: laws that protect you. Workplace rights are laws that protect you at work.

Other New Words:

Discuss :

What does Maria tell Theresa?
What does Theresa tell Maria?

Do you think this is just Maria's problem, or do other workers have this problem, too?

What does Ana do to make more money?
Does Theresa think it is a good idea?
Do you think it's a good idea? Why?

Do you have a machine at work?
Do you have guards on the machine?
Do you use the guards?
Why? Why not?

What does Theresa think they need?
Does Ana agree with her?
Do you agree with her?

What does Theresa mean when she says "This is America. We're supposed to have some rights?"
What rights do you have at work?

What does Maria mean when she says: "If I don't get some rest, I don't know what I'll do?"

What can Maria do? What do you think she should do?
What would you do?

Review: Read

Read the skit all the way through. Try to understand what is happening. Then discuss the words and phrases you do not understand. Write down the new words.

_____

I,2

Working Too Hard, Working Too Fast?

Setting: Cafeteria at work
Characters: Maria, Theresa, Ana

Theresa: You look tired, Maria.

Maria: I am. I can't sleep these days. I'm always jittery and lately my wrist hurts all night long.

Theresa: My mother had a bad wrist, too. My shoulder hurts sometimes. It must be the machines.

Maria: I'm so tired sometimes I think I might fall asleep at the machine.

Theresa: Be careful. You could get hurt that way.

Maria: I know, but what can I do? I'm sleepy, but I still have to work fast if I'm going to make any money.

Ana: I take my guards off. You can work faster that way.

Theresa: That's great! Then you'll have an accident and miss a whole week's work. What we need are some changes. Better machines and better rates.

Ana: Keep dreaming! This company will never change.

Theresa: Maybe we should talk to the union. This is America. We're supposed to have some rights.

Maria: I don't like to make trouble. But if I don't get some sleep, I don't know what I'll do.

Grammar Practice:

Contractions:

In contractions, we leave out some letters and use an apostrophe.

Example:

I **cannot** sleep.
I **can't** sleep.

Write the contractions for the following. Find them in *Working Too Hard, Working Too Fast.* Circle them.

I am _____

I can not _____

That is _____

Do not _____

I will _____

Write:

Give some advice to Maria. Write her a short letter. Tell her what you think.

Example:

your address> _____

_____

_____

the date> _____

Dear Maria,

_____

_____

_____

_____

_____

_____

_____

_____

_____

Sincerely,

your name here > _____

Suggestion: The "Letter to Maria" might be used as a context for teaching the conventions of letter writing. Once again, students could edit each other's work off newsprint drafts.

The Petition

Pre-view: Read and Discuss:

Read about the characters in *The Petition*

Maria: Maria works in a factory. She is forty five years old. She is a stitcher. She has trouble with her wrist.

Theresa: Theresa is Maria's friend. She is a stitcher, too. She works in the same factory as Maria.

Manny: Manny is Theresa's husband.He is a shipper. He works in the same factory as Maria and Theresa.

Ernesto: Ernesto is Maria's and Theresa's supervisor.

Pre-view - Discuss

-What is a petition?
-Why do people have petitions?
-Did you ever sign a petition? Why?

Pre-view (Without Sound)

Watch *The Petition* without sound. Try to answer the questions

What is happening?
Who is the supervisor?
Who is Manny?
How can you tell?

View 1

Watch *The Petition* all the way through with sound. Try to get the main idea.

View 2

Watch *The Petition* again. Ask your teacher to stop at places you do not understand or want to see again.

New Words:

petition	A paper that many people sign to show that they want something changed.
committee	A group of people who work together on a problem or issue.
country club	A fancy, expensive club where people go to relax, swim, eat,
and	visit with other people.
OSHA	Occupational Safety and Health Act (See fact sheet #1)

Read

Read the skit on the next page. Write down any new words or phrases.

I,3

The Petition

Setting: Shipping area at work
Characters: Maria, Theresa, Manny (Theresa's husband), Ernesto (supervisor)

Maria: Will you sign this petition?

Manny: I'm not signing anything. I need this job.

Maria: But Manny, you told me your shoulder has been bothering you for months.

Manny: You and your health committee. You're going to make trouble for the company. Next thing we'll all be out of work.

Ernesto: Maria, why aren't you at your machine?

Maria: (folding the paper) I was just showing Manny a letter from our uncle.

Ernesto: Well, show him on your break. What do you think this is? A country club?

Theresa: Some country club.

Manny: You want things too easy. They know what they're doing here. You have to work hard if you want to get ahead.

Maria: You think things will get better if we keep our mouths shut? Pretty soon you won't be able to work anymore, like Ricardo.

Manny: My shoulder isn't that bad.

Maria: No, but it will be.

Theresa: Let me see that. I'll sign. It's about time we had an OSHA inspection anyway. This place is unhealthy.

REVIEW - DISCUSS

Suggestion: If students watched *Working Too Hard, Working Too Fast*, go back to the end when Maria says "I don't know what I'll do." Use this as a lead in to Maria's decision to circulate the petition.

What does Maria want Manny to do?
Why does Maria want him to do this?
Does Manny want to sign? Why?

What is a health committee?
Do you have one at work?
What does it do?

Manny says:" They know what they're doing here. You have to work hard if you want to get ahead."
What does he mean? Do you agree?

Fact Sheet #1 - Safety and Health and Your Rights

Discuss these words. Then match the words with their meanings. Put the letter of the meaning next to the word.

Example:

1. pain___e_

2. tingling _____

3. numbness_____

4. disability_____

5. headache_____

6. insomnia_____

7. high blood pressure _____

8. irritable_____

9. depressed_____

10. cancer_____

11. OSHA_____

12. inspection_____

13. inflammation_____

a. A feeling when you are sad, tired, and have no energy

b. When somebody looks something over

c. A feeling when you get mad quickly or lose patience

d. A feeling of pain in the head

e. A feeling of hurt or suffering

f. When you cannot feel anything

g. When you cannot use a part of the body

h. Occupational Safety and Health Act

i. A feeling like needles and pins

j. When you cannot sleep

k. A disease that sometimes causes death

l. A disease caused by too much stress and worry

m. When part of the body becomes swollen and sore

Reading for a purpose

Suggestion: The concept of a paragraph might be introduced here. Identify paragraphs in the fact sheet. Have students identify paragraphs from any available printed materials, circling them and paying attention to indentation or spacing between.

Divide into four groups. Each group should follow the directions below. One person in each group should write down the answer. Then that person can tell the whole class what the group found in the reading.

Group 1: Read paragraphs 2, 3, 4. Answer the following questions:

1. What is Carpal Tunnel Syndrome?_____

_____

2. How can you get it?_____

_____

3. What causes it?_____

_____

4. How can you prevent it?_____

_____

5. Do you know anybody who has Carpal Tunnel Syndrome? What can that person do?

_____

_____

_____

_____

_____

Group 2: Read paragraph 5. Answer the questions

1. What is stress?_____

_____

2. What do people sometimes do about stress?

_____

3. What else can people do about stress? _____

_____

4. Do you ever feel nervous, irritable, or depressed at work? Why?

_____

_____

_____

Group 3: Read paragraphs 6, 7, and 8. Answer the following questions:

1. What are toxic chemicals? _____

_____

2. What problems do toxic chemicals cause? _____

_____

3. Can you see toxic chemicals? _____

_____

4. What is the best way to stay healthy? _____

_____

5. Do you have any toxic chemicals in your workplace? How can you find out?

_____

_____

Group 4: Read paragraphs 9 and 10. Answer the questions.

1. What does the Occupational Safety and Health Act say?

_____

_____

2. What is the agency that makes sure the act is carried out?

_____

3. What is the name of the local committee in Massachusetts?

_____

What is the phone number?_____

4. What is the name of the local committee in your state, if you do not live in Massachusetts?

_____

Look up the phone number._____

5. When might you call OSHA or the local committee in your state?_____

_____

All groups: Read the conclusion, then discuss the questions as a whole class.

1. Do you have any unsafe conditions at work? What are they?

_____

_____

_____

2. What can workers do about unsafe working conditions?

_____

_____

_____

3. What can you do if you are a union member?

_____

_____

_____

4. Do you have toxic chemicals at work? What are they?

_____

_____

_____

Discuss:

Now that you have read about workplace safety and health, what do you think Maria can do about her health problems?

Suggestions for follow up:

1. If students are union members, have them get a copy of their contract and look up sections on safety and health.

2. Invite a union representative in to class to discuss safety and health conditions that students may have identified as problem issues.

3. Invite a representative from OSHA, MasssCOSH, or a state agency to discuss safety and health conditions.

Unit II - Workers' Compensation and Your Rights

Maria's News
Manny Hurts His Back

Maria's News

Preview: Read, Discuss, Write:

Characters: If you have already seen Maria and João, try to remember as much as you can about them.

Maria: She is _____
She _____
She _____
She _____

Suggestion: Review possessives.

João: He is _____
He _____
He _____
He _____

Preview: New words:

Suggestion: Explanation in the native language would be helpful in explaining some of the technical information.

workers' compensation: Insurance your company pays for to cover you if you get sick or hurt at work.

permanently disabled: You cannot get better from an illness or injury.

"get by": Be able to pay bills like groceries, rent, utilities.

Preview - Read

Read the skit *Maria's News* on the next page.Then act it out. Someone should act as Maria. Someone should act as João. The class should coach the actors in how to best act out Maria and João. Answer these questions before you act it out.

Where is the setting?
What do you think Maria is doing?
What do you think João is doing?
How will Maria sound? (happy? unhappy?)
How will João sound?

Act it out:

Suggestion: have students act out the skit before viewing and record it on audio tape to compare to skit.

View I:

Watch the skit. Compare how you acted with how Maria and João acted.

Suggestions: Generate list of words to describe feelings. Keep on newsprint and add to them . Apply them to characters throughout rest of skits.

View II:

View again. Stop the tape at places you do not understand.

Review:

II, 1

Maria's News

setting: Maria's kitchen
Characters: Maria, João

João: Hey, is supper ready yet?

Maria: Sit down. I want to tell you something.

João: Don't rush me. I'll sit down when I'm ready.

Maria: O.K., then stand.

João: I don't want to stand. I'm tired. (He sits)

Maria: I went to a doctor about my hand. He said I should stay out of work for a month.

João:(Stands. Lights a cigarette)

Maria: Did you hear me?

João: Everyone has problems from the machines. That's just how it is.

Maria: I talked to the union. They say I can get workers compensation.

João: The union. Did the union tell you Manny has been waiting months for workers compensation?

Maria: No.

João: Did they tell you who would pay the bills while you're waiting?

Maria: Do you want me to be permanently disabled?

João: No, but we can't get by on one check.

Maria: I'll get a check. That's why we have workers compensation.

Read and Discuss:

What does Maria tell João?
What does João tell Maria?

How does Maria feel about collecting?
How does João feel? Why?

Did you ever get hurt at work?
Did you ever try to collect workers' compensation?

What can Maria do?
What do you think she should do?

Break into pairs or groups. Discuss and write:

Maria can_____
Maria can_____
Maria can_____

Maria should _____
Maria should _____
Maria should _____
Maria should _____

Review

Discuss the following words. Then match them with the correct meaning.

1. income	a. Not careful
2. eligible	b. Someone who saw something happen
3. employer	c. Pay, salary
4. employee	d. A meeting to judge if you can collect
5. treatment	e. When you go back in time (back pay)
6. witness	f. When a part of the body is taken off
7. claim	g. Sickness
8. hearing	h. When someone gets hurt
9. retroactive	i. Company, someone who hires you
10. careless	j. When you can collect
11. illness	k. Worker
12. injury	l. Helps cure illness or injury (operation, medicine, etc.)
13. amputation	m. A paper to file if you want to collect

Review/Research:

Break into groups to answer the following questions:

Go to Fact Sheet #2, Workers' Compensation Benefits. Read page one. Answer the questions:

Group I
True or False

1. You can get an income if you are sick or hurt at work. T F

2. Workers' Compensation is insurance coverage that your employer must pay for. T F

3. Workers' Compensation includes pay for lost time and medical costs. T F

Group 2

1. If you cannot work at all, you are called

_____

2. If you are totally disabled, you can collect

_____

3. If you work fewer hours or a different, lower paying job because of illness, you are

_____

4. If you are partially disabled, you can collect

_____

Group 3

True or False

1. You can collect travel to and from the hospital T F

2. You can get trained for another job if you cannot go back to your old job because of work related illness T F

3. You can get money for scars or amputation. T F

Group 4

1. To be eligible, you must prove 3 things:

   1. _____
   2. _____
   3. _____

2. To prove your case, you must:

   1. _____
   2. _____
   3. _____

Group 5

1. How long do you have to wait before you are eligible?

_____

2. What should your employer do? _____
3. What should you do? _____
4. If the insurance won't pay, what can you do?

_____

5. What are retroactive benefits?

_____

Whole Class: Read the conclusion. Ask any questions you don't understand.

Grammar Practice

Pronouns: Change the underlined words to pronouns.

Example: João is Maria's husband.
He is her husband.

1. Maria went to the doctor about Maria's wrist.

_____

2. Maria wants to tell João something.

_____

3. João doesn't want to stand.

_____

4. Did João hear Maria?

_____

5. João told Maria that Manny has been waiting months for Manny's compensation.

_____

6. The union told Maria about workers' compensation.

_____

7. Maria will get a check.

_____

8. Can João and Maria get by on one check?

_____

Manny Hurts His Back

Characters: If you have already seen Theresa, Manny, and João, try to remember as much as you can about them.

Theresa:

Manny:

João:

Ana:

If you have not met them, read about them.

Theresa: Theresa works in a factory. She is a stitcher. She is married to Manny.

Manny: Manny works in the same factory as Theresa. He is a shipper.

João: João is Manny's friend. He works with Manny. He is married to Maria.

Ana: Ana is a stitcher, too. She works with Theresa and Maria in the same factory.

Preview: Read and Discuss

Suggestion: Divide *Manny's Back* into three segments where there are logical time lapse breaks in the skit.

Part I - New words:

Suggestion: Can practice describing symptoms.Many ESL texts have sections on health related language.

my back is killing me	my back hurts a lot
accident report	paper you fill out as soon as you hurt yourself at work
backache	sore back (other aches: toothache, headache, earache)

Practice:

What's wrong?
I don't feel well. I have a _____

View I: View Part 1 all the way through.

View 2: View Part 1 again. Stop if you have any questions.

Review:

Read and discuss:

What happened to Manny?
Did he file an accident report?
What does Theresa tell him?

What can Manny do now?
What do you think he should do?

Can Manny collect workers' compensation?
(See Fact Sheet #2 if you have not already read it.)

Act it out:

Manny does not want to collect workers' compensation. Theresa wants him to. They argue about it.

Act out the roles of Theresa and Manny. Make your own skit.

Predict:

Two months pass. What do you think will happen? What will happen in Part 2?

Part 2

Preview 1:
View Part 2 without sound. Where are they? What are they doing?

View 1: View Part 2.

Review:

Where are they now?
What does the lawyer ask Manny?
How does Theresa feel?
How do you know?
Why does the lawyer ask about witnesses?
Were there any witnesses?

Predict: What will they do now?

Part 3

View 1: View Part 3.

Review: Read and Discuss

What do Manny and Theresa want Ana to do?
What does Ana say?
Why do you think Ana says no?
What do you think Ana should do?
What will happen to Manny if Ana is not a witness?

Did you ever witness an accident? What happened?

Act it Out:

Continue the skit. Someone should act as Manny, someone should act as Theresa, and someone should act as Ana. Manny and Theresa should tell Ana why they want her to act as a witness. Ana should tell them why she doesn't want to do it.

Read:
Read the skit on the next page. Write down the new words.

II,2
Manny Hurts His Back Setting: Maria's kitchen
Characters: Theresa, Manny, João,Lawyer,Ana

João: Hey, Manny, wake up, it's time for our game.

Manny: Ow, don't do that. My back is killing me.

João: What happened?

Manny: I hurt it at work.

Theresa: Did you file an accident report?

Manny: No, it was my own fault. I picked up a box the wrong way.

Theresa: You should report it anyway. Then maybe you can collect if you have to stay out.

Manny: I told you. It was my fault.

João: He won't have to stay out. It's just a little backache. Right? (slaps him again)

Manny: Ow.

2 months later

Lawyer: Have a seat.

Theresa: Thank you.

Manny: I'd rather stand.

Lawyer: Mr. Texiera, can you prove that you hurt your back at work?

Manny: I was lifting a box and I felt a sharp pain.

Lawyer: Did you report it at the time?

Theresa: No, he didn't. (They glare at each other)

a few days later

Manny: Ana, do you remember the day I hurt my back?

Ana: How could I forget? It was the last time I saw you stand up straight.

Theresa: Would you come to our lawyer and tell him what happened?

Ana: Oh, no, I couldn't do that.

Grammar:
Change the sentence using pronouns.

Example:

1. My back is killing me.

His <u>His back is killing him.</u>

Her _____

Your _____

Their _____

Accident report

Suggestion: Bring in a variety of health related forms - insurance, workers' compensation, etc.

Unit III- Discrimination and Your Rights

Fatima's Dilemma
Hak Gets Laid Off

Pre-view: Read and Discuss

--What is discrimination?
--Have you ever been discriminated against?
--What can you do if discrimination happens?

Read:
Go to Fact Sheet #3 - *Discrimination and Your Rights.* Break into 3 groups.

Group 1:
Read the first part of the fact sheet (until Sexual Harrassment). Answer the questions:

1. What is employment discrimination?

---

2. Is employment discrimination legal? _____
3. How can you tell if someone is being discriminated against?_____

Group 2:

1. What is sexual harrassment?

---

2. Is it legal?_____

Group 3:

1. What are 3 things you can do if you think you are a victim of sexual harrassment?

1._____
2._____
3._____

Review:

Discuss the following words. Then match the words with their meanings.

1. discrimination	a. Have the experience and knowledge to do the job.
2. victim	b. Unwanted sexual attention
3. national origin	c. Treated unfairly
4. disability	d. Legal agreement between company and union
5. qualified	e. Equal Employment Opportunity Commission
6. sexual harrassment	f. Where you were born
7. contract	g. Mass. Commission Against Discrimination
8. MCAD	h. An injury or medical condition (hard of hearing, need a wheelchair, etc.)
9. EEOC	i. A person who has been hurt by something (discrimination, sexual harrassment, etc.)

Fatima's Dilemma

Suggestion: Break up this skit into two parts: Part I in the women's room, Part II at the coke machine.

Pre-View: Read and Discuss

Read about the characters in *Fatima's Dilemma*.

Fatima	Fatima works as a presser. She works with Theresa. She is thirty years old.
Theresa	Theresa is a stitcher. She works with Fatima. She is Fatima's co-worker.
Filomena	Filomena is a floor-lady. A floor-lady is like a foreman. She works with Fatima and Theresa.
Ernesto	Ernesto is the supervisor. He is Fatima's, Theresa's, and Filomena's boss.

Pre-View - Part 1 (without sound)

--Where are they?
--What are they doing?

View 1:
View Part 1. Stop if you have any questions.

View 2:
Suggestion: Stop to examine sarcasm/tone at:
"There she goes, Miss America" and "If you saw her paycheck you would."

Review: Read and Discuss:

--What does Fatima tell Theresa?
--What does Theresa tell Fatima?

--Does Filomena like Fatima? Why?
--What does Theresa mean when she says: "I mind my own business"?

Predict:
What will happen next?

Pre-view - Part 2 (without sound)

--Who are the characters in this part?
--Where are they?
--What is happening?

View 1:
View Part 2 all the way through.

Review:
Read and discuss.

--What does Fatima tell Theresa?
--What does Theresa tell Fatima?
--What is Fatima afraid of?

-- Does this happen in your workplace?
--Do you know anyone this has happened to?

--What can Fatima do?
--What can a worker do if this happens?

Research:
Review Fact Sheet #3. Answer the questions:
Is Fatima being discriminated against?
--What kind of discrimination?
--What can she do?

Act it out:
Act out a skit with Filomena, Fatima, and Theresa. Have them talk about Fatima's problem, and make suggestions about what she can do.

Read:
Read the skit on the next page. Write down any new words or phrases.

III, 1

Fatima's Dilemma

Setting: Women's Room, at work

Characters: Fatima, Theresa, Filomena, Ernesto

Filomena : There she goes, Miss America.

Theresa: Who?

Filomena: Fatima.

Theresa: What about her?

Filomena: Haven't you noticed? She gets all the good work.

Theresa: I mind my own business.

Theresa: She goes out with Ernesto, you know.

Theresa: You mean that supervisor? I don't envy her.

Filomena: If you saw her paycheck you would.

Later (in front of coffee machine) break-time

Fatima: Theresa, I don't know what to do.

Theresa: What's the matter?

Fatima: Ernesto keeps asking me out.

Theresa: I thought you liked him.

Fatima: Not any more. But he says if I stop seeing him, he'll fire me.

Theresa: If you don't like him, don't go out with him.

Fatima: But what about my job? I have three kids, you know.

Theresa: He can't fire you for that. It's illegal.

Fatima: So what if it's illegal?What if he does it anyway?

Theresa: We'll file a complaint with the MCAD.

Fatima: What's that?

enter Ernesto:

Ernesto: Hey girls, back to work!

Fatima: I hate it when he does that!

Hak Gets Laid Off

Suggestion: View in 2 parts: Manny,João and Hak Part 1, Mike and Manny, Part 2.

Pre-View: (Part 1)

Read about the characters in *Hak Gets Laid Off.*

Hak:	Hak works with Manny and João. He is Cambodian.
Manny:	Manny is a shipper. He is married to Theresa.
João:	João is a machine operator. He is married to Maria.
Mike:	Mike is a supervisor. He is Hak's, João's and Manny's boss.

New words/phrases:

cheer up	Don't be so sad
laid off	When there is no more work for you, unemployed
seniority	How long a worker has worked on the job
drop it	Forget it
legal resident	Someone who legally lives in a country but is not a citizen

View 1: Part 1

View Part 1 all the way through. Stop at places you do not understand.

Review: Read and Discuss:

--Why is Hak unhappy?
--What does he ask Manny?
--What does Manny call Hak? Why?

--Is Joao laid off? Why?
--Why do you think people were laid off in this factory?

--Why does Manny tell Hak to "Forget it, don't start any trouble"?

--Do you think Hak should forget it?
--What can Hak do?

Predict:

Suggestion: Before viewing Part 2, have students act out a follow up scene .

Pre-View - Part 2

Watch Part 2. Without sound.
Answer the questions:

--Where are they?
--Who are they?
--What is happening?

View: Part 2. View Part 2 all the way through. Stop if you have any questions.

Review: Read and Discuss:

--What does Manny ask Mike?
--What does Mike tell Manny?

--What is a legal resident?
--What is an American?

--Why does Mike tell Manny to "drop it"?

--What is Manny thinking at the end?
--Do you think Manny should "drop it"?

Read:

Read the skit on the next page.Write down any new words or phrases you do not understand.

III, 2

Hak Gets Laid Off

Setting: On break at work near soda machines

Characters:
Manny and João - Workers
Hak: Cambodian worker who gets laid off
Mike: Supervisor

Manny: Hey, cheer up. It's pay day.

Hak: There's nothing to be happy about. The boss just said I'm laid off.

Manny: Hey, I'm sorry, kid. I hear it's going to be a short one.

Hak: That's still not good. My parents moved in with us last week.

Manny: Too bad.

Hak: How do they decide who is laid off?

João: Seniority. Same as always.

Hak: Seniority? So you have bad news, too?

João: Me? Bad news? Hell, no. I've got plenty of work next week.(exits)

Hak: Manny, Joao started working a month after me.I don't understand. Why am I laid off and not him?

Manny: Are you sure, kid?

Hak: I'm sure.

Manny: Listen, take my advice and forget it. Don't start any trouble. You know what I mean?

Hak. Yes, I know what you mean.

later

Manny: Hey Mike, how come Hak got laid off?

Mike: Not enough work, Manny. You know that.

Manny: Yeah, but some guys who came later didn't get notices.

Mike: Yeah? Well they're probably Americans. I don't like to lay off Americans. You know. Lots of Americans without jobs.

Manny: Hak's an American. He's a legal resident.

Mike: Drop it, Manny. What's it to you, anyway?

Research

Review Fact Sheet #3, Discrimination. Break into 2 groups.

Group 1:

What can Fatima do?

_____
_____
_____
_____
_____

What could happen to her if she does these things?

_____
_____
_____
_____

Group 2:

What can Hak do?

_____
_____
_____
_____
_____

What could happen to him if if he does these things?

_____
_____
_____
_____

Unit IV - Unions and Your Rights

The Union Card
The Union Meeting

Preview - Read and Discuss:

-What is a union?
-Do you belong to a union? Have you ever belonged to a union?
-Did you belong to a union in your country?
-Do you know how your union started? When did it start?
-What is the difference between a workplace with a union and a workplace without a union?

---

union no union

The Union Card

Pre-view:

Read about the characters in *The Union Card.*

Venulda: Venulda works in a factory. She is a stitcher. She has worked in the same factory for ten years. She is thirty-six years old.

Ricardo: Ricardo works in the same factory as Venulda. He is a shipper. He has worked in the factory for six years. He is thirty years old.

Predict:

-What does Venulda look like? What country is she from? How is she dressed?
-What does Ricardo look like? What country is he from?

Suggestion: on newsprint, generate a list of words used to describe the characters. After viewing the video, generate another list of descriptive words. Use as a basis for comparatives. Also compare with earlier characters - contrast Venulda/Maria, etc.

New words/phrases:

"Don't start on me"	Don't bother me, don't nag me, don't give me trouble
dues	Money paid to belong to a union
union card	Card that people sign if they are interested in having a union in their workplace

Suggestion: Information about dues, union cards, and other union related facts are included in the factsheet. You may want to refer to it before viewing the skit if there is enough interest.

Preview

Watch *The Union Card* all the way through without sound. Try to answer the questions:

-What's happening?
-Where are they?
-How is Venulda feeling? How can you tell?
-How is Ricardo feeling? How can you tell?

Suggestion: Stop the tape at expressive points. Try to generate actual dialogue. Add to list of words for expressing emotions.

View I

Watch *The Union Card* all the way through. Try to understand the main idea.

-What does Venulda look like?
-What does Ricardo look like?
-Compare the skit with your predictions.

View II

Watch *The Union Card* again. Stop the tape at places you do not understand.

Read

Read the skit *The Union Card.* Write any new words and phrases.

IV,1

Union Card

Setting: On break at work
Characters: Venulda and Ricardo

Venulda: Put that magazine away and do something useful. Pick up a pen and sign this union card.

Ricardo: Don't start on me. I already told that union organizer I'm not going to sign. I don't want to get involved.

Venulda: But Ricardo, you are involved. You work here.

Ricardo: And I want to keep working here. Can you lower your voice, please?

Venulda: I don't care if someone hears me. I want to keep working here, too. But I want some of the respect that's due me.

Venulda: Look, as long as you do your job right, nobody bothers you.

Venulda: Since when?

Ricardo: This country has laws to protect us.

Venulda: What about the time they suspended your sister for 2 days for leaving early because she left to pick up her sick kid?

Venulda: They've got to have rules, don't they?

Venulda: Fair ones. What about the time the foreman's brother got promoted over your father?

Ricardo: But what guarantee do we have with a union? We might have to pay our dues and get nothing.

Venulda: We have one guarantee. If we don't have a union, we get nothing for sure.

Ricardo: Oh, Venulda. Don't you understand? The manager likes me. I might make supervisor soon.

Review:

Read and Discuss:
(suggestion: You may want to go back and watch selected sections of the video again to answer the questions.)

--What does Venulda want Ricardo to do?
--What does Ricardo say?
--Why does Venulda want a union?
--Why doesn't Ricardo want to sign the card?

--Were you ever asked to sign a union card?
--What happened?
--How did people feel about signing?
--Why?

--What is respect?
--What does Venulda mean when she says she wants respect?
--Give examples of respect. What kind of respect do you want? Who do you treat with respect?
--Who do you want to treat you with respect?

--Ricardo says: I don't want to get involved.
--What do you think he should do?
--What could happen to Ricardo if he signs the card?

Research

Whole Class:
Go to Fact Sheet #4 - *Unions and Your Rights.* Read the introduction together as a class. Then listen to the introduction on the tape.

Suggestion: fact sheet can be put on audio tape so more advanced students can read and listen at the same time.

Group Work
Break into 4 groups. Each group should read one part of the fact sheet and answer the questions. One person can write the answers.

Group I:

1.What is a labor union?
2. How does a workplace become unionized?
3. What is an organizing drive?
4. What is the NLRB?

Group 2:

1.What is a contract?
2. Who decides to accept a contract?
3. What is a strike?
4. How often do strikes happen?

Group 3:

1. What is the grievance procedure?
2. What is a shop steward?
3. What is arbitration?

Group 4:

1. How are decisions made in a union?
2. What is democracy?
3. Who makes up a union?

Report: Each group should report back to the whole class.

The Union Meeting

Preview: Read about the characters in The Union Meeting.
Suggestion: Ana appears in *Working Too Hard* and *Manny Hurts His Back.* Have students recall her character if they have watched these skits.

Ana: Ana is a stitcher in a garment shop. She is thirty-four years old.

Mark: Mark is a mechanic. He works with Ana. He is thirty years old. He is the Shop Steward for the union.

Joan: Joan is a stitcher, too. She is the Vice President of the union. She works with Ana and Mark.

New Words:

Big Shot	Someone who is in a higher position, like a boss. Someone who is famous. Someone who acts like he is better than you.
"All I can stand"	All I can take. All I can tolerate.

View I:

Watch *The Union Meeting* all the way through. Try to get the main idea.

View II:

Watch *The Union Meeting* again. Stop the tape if you have any questions.

Read:

Read the skit. Have someone play the part of Ana, Mark, and Joan. Write down the new words or phrases.

Read and discuss:

-Why doesn't Ana want to go to the union meeting?
-Why does Mark want her to go?

-What is a union officer election?
-What does Ana think about her union?
-Does Mark agree with her?

-Do you go to union meetings?
-Why or why not?
-What do you think about your union?

-Mark says: If people don't participate, the union can't be strong. Do you agree?

-Do you know what your workplace was like before the union? How can you find out?
-How is it different now?

IV, 2

The Union Meeting

Setting: Parking lot at work, after work
Characters: Mark, Ana, Joan

Mark: Hey, Ana, you want a ride to the union meeting?

Ana: No thanks, Mark. I don't have time for the union.

Mark: What do you mean?

Ana: I've got to go home. Put supper on the table. Then I've got to clean the kitchen, do the wash, make the kids' lunch for tomorrow...

Mark: OK. OK, I don't need your whole week's schedule. I just think you should come to vote in the union officer election.

Ana: Steward? I don't need any steward. Just one more big shot to tell me what to do.

Mark: But Ana, what if you have a problem. Who's gonna help you?

Ana: I don't need any help. I've got four bosses here, and a boyfriend, and three sons at home. That's about all the help I can stand.

Mark: You don't understand, do you? A union's not like that. Nobody wants to boss you. It's a chance for everyone to say what they think.

Ana: I understand. If the union cares so much what everyone thinks, how come they just post the notices in English?

Mark: You're just full of excuses. If people don't participate, the union can't be strong.

Joan: Come on, Ana. Mark is right. The kids can eat sandwiches for one night. We know the union isn't perfect, but if you saw this place before the union, you'd realize how important it is.

Ana: It all sounds very nice. You vote for me, Mark. O.K? I trust you.

Research and Write:

1. What is the name of your union? What is the number of your local?_____

2.Who is your shop steward?

_____

3.. What does your shop steward do?

_____

4. Who is the president of your local?

_____

5. What does the president of your local do?

_____

Invite your shop steward and union president or any other union officers to come to class. Ask questions about the union. Find out how your workplace was different before and after the union

Write:

Before Union After Union

_____

_____

Suggestion: Turn this chart into the basis for a group paragraph about working conditions before and after the union.

Suggestion: Take notes on what the union reps say in the class meeting. Turn this into a language experience piece for future reading.

Discuss and Write:

Do you think there should be changes in your union? What kind:

1. _____

2. _____

3. _____

4. _____

5. _____

Write:

Write a memo to your shop steward or union president. Give some ideas for changes in the union or workplace.

Grammar:

The underlined words (verbs) are in the present tense. Change them to the past tense.

1. What do you mean?

_____

2. I don't need your whole week's schedule.

_____

3. I just think you should come to vote.

_____

4. What if you have a problem?

_____

5. Nobody wants to boss you.

_____

6. I understand.

_____

7. If the union cares so much, how come they only post the notices in English?

_____

8. Come on, Ana. Mark is right.

_____

9. We know the union isn't perfect.

_____

10. You'd realize how important it is.

_____

Unit V - Other Workplace Rights

Alda Gets Fired
The Unemployment Office
Baby, It's Cold in Here

Alda Gets Fired

Pre-view: Watch *Alda Gets Fired* with no sound.

Where are they?
What is happening?
What are they doing?

Characters:

ESL teacher:	She has no name in the skit. Give her a name.Tell why you chose it.
Alda:	Alda is Portuguese. She is from the Azores. She works in a factory. She studies English.
Zulmira:	Zulmira studies English, too. She is Alda's friend.
Other students:	Look at the skit. Where do you think the other students are from? Why do you think so?

View I: Watch the video all the way through. Stop if you do not understand something.

--What happened to Alda?
--How does she feel?
--What does Zulmira mean when she says "maybe you can collect"?
--Does Alda want to collect?
--Why?

--Did you ever get fired?
--Did you ever quit a job?
--Why?
--Did you ever collect?
--Is collecting the same as charity?

--What can Alda do without her job?
--What do you think she should do?

Predict

--What do you think Alda will do?
--What will she decide?

Suggestion: Have students act out role play discussing feelings about collecting unemployment. Continue the roles of Alda and Zulmira.

Read:

Read the skit on the next page. Write down any new words or phrases.

V,1

Alda Gets Fired

Setting: ESL Class
Characters: ESL Teacher
Zulmira-student in class
Alda - student in class, just fired from job
Other students

Zulmira: Let me see your homework

Alda: I didn't do my homework.

Zulmira: Why not?

Alda: I was too depressed .(speaks a little in Portuguese)

Teacher: The homework wasn't that hard, was it?

Alda: No, I felt too bad. I couldn't study. I got fired from my job!

Teacher and all: What happened? That's awful....

Alda: My boss told me to work overtime on Saturday, two Saturdays. But I said no, I have to take my mother to the clinic, she's very sick. He said, "Don't come back to work."

Zulmira: Can he fire you for that?

Teacher: Yes, it's too bad, but he can.

Zulmira: Alda, maybe you can collect.

Alda: No, I don't want to collect. I don't want to take charity. I have a little money saved. I can manage.

Research:

Go to Fact Sheet #5. Read the introduction (first two paragraphs) as a whole class. Answer the questions:

True or False (T or F)

1. You can get unemployment insurance if you are laid off. _____

2. You can collect in many cases if you quit or are fired. _____

3. You can collect 100% of your average weekly salary. _____

4. Alda can collect unemployment insurance. _____

5. Alda makes $350.00 a week. She can collect $175.00 a week on unemployment. _____

Note: Additional research with the Fact Sheet continues after the following two skits.

The Unemployment Office

Pre-view (without sound)

--Where is Alda?
--What is happening?
--How does she feel?
--Why?

Characters:

Describe the characters you see in this skit.
What jobs do they have?

New words:

claim: Application for unemployment

View I:

View the skit all the way through. Stop the tape if you do not understand something.

Review:

--What happened to Alda?
--How is she feeling?
--What is the difference between her "inner voice" and her "outer voice"?

--Did you ever feel like this? Where?
--What did you do?

--What can people do at public places(like banks, unemployment office) if they do not speak English?

Read:
Read the skit on the next page. Write down any new words or phrases.

V, 2

The Unemployment Office

Setting - Unemployment Office (Division of Employment Security)
Characters:
Woman #1-DES employee
Woman #2- DES employee
Alda
Woman in line
Others in line

Woman # 1: Next!

Alda:
(inner voice): What do I say? (in English and Portuguese)
(Outer voice):I want to get unemployment.

Woman: Is this your first time here?

Alda: Yes.

Woman: You have to go to the next window to open a claim. This is for reopened claims.

Alda:
(inner): What is she talking about? What's a claim?Why do I have to go to another line?
(Outer voice): Thank you.

Woman 2 : Can I help you?

Alda: Thank you. I want to get unemployment.

Woman: Is this to open a claim or to reopen a claim or just to collect?

Alda:
(Inner) What does she mean?
(Outer): This is my first time here.

Woman# 2: Here. Fill out these forms. Then have a seat and we'll call you.

Alda:
(inner): Oh my God. How can I fill these out? I need some help with this. I should just go home.
(outer): Thank you. (Starts to walk away, turns back)

Alda: Excuse me, does someone here speak Portuguese that could help me?

Woman: I'm sorry, we're really busy. We don't have anyone that can translate for you.

Rachel: I speak Portuguese. I could help you read the form if you want.

Alda: Oh, yes. Thank you. Obrigada!

Act Out:

List some places where you feel nervous to go. Maybe some of these places are on the list:

doctor's office
bank

_____
_____
_____
_____

Act out a skit in one of these places. For example, if it is in the doctor's office, one person is the receptionist or doctor, one person is the patient. Do one skit with the outer voice. Then do another skit with the inner voice.

Suggestion: Break students into pairs. Have each pair develop a skit at a different location. Have students write out the inner voice on a piece of cardboard. While they are talking using the outer voice, they can hold up the inner voice for the class to read.

Note: Inner/Outer voice was suggested in Elizabeth Mueller's *Good Days/Bad Days*, developed by the New Jersey State Office of Adult Education.

Practice:

-Excuse me, I'd like to _____
-Can you please tell me _____
-Excuse me, can you tell me _____
-I'm sorry, I didn't understand. Can you _____

Grammar I: List the countries where students come from. Then list the adjective to describe their nationalities.

Example:

Cambodia-Cambodian
China - Chinese

Suggestion: Keep this list on newsprint. Base some grammar exercises around the information. Example: I am from _____ I am _____He is from _____He is _____.

Grammar II:

Suggestion: Collect forms students are likely to come in contact with, and ask students to bring in forms they need to fill out. Practice filling them out as a class. (Ex: bank forms, insurance forms, etc.) Have students look for similarities among all the forms, so they will be able to transfer their abilities to any new forms they will encounter. Try to integrate the structure of forms in classroom exercises so thet will practice and reinforce the strategies.

Baby It's Cold in Here

Pre-view - No sound

Watch *Baby It's Cold in Here* with no sound. Try to answer the questions:

--Where are they?
--What jobs do they have?
--What are they talking about?

Characters:

Lydia	Lydia works in a factory. She is a stitcher.
Venulda	Venulda works with Lydia. She is a floorlady.

New Words:

loudmouth	Someone who talks too much

View I:
Watch the skit all the way through. Stop if you do not understand something. Write the new words down next to the skit in your notebook.

Read:
Read the skit on the next page. Write down any new words or phrases.

V, 3

Baby, It's Cold in Here!

Setting: Shop floor
Characters: Lydia, Venulda

Lydia: It's freezing in here.

Venulda: I know. I've had a cold for weeks.

Lydia: Can't they turn up the heat?

Venulda: They say it's too hard to heat this place because it's so old and big. But I bet they could if they wanted to.

Lydia: Well, this isn't good. My hands are so cold I can't work fast enough.

Venulda: Go talk to the boss.

Lydia: No way. He already thinks I'm a loudmouth.

Venulda: How about if we go together?

Lydia: OK. let's do it on break.

Venulda: I'll talk to Ana and some of the others. The more the better.

Review - Discuss

--What is Lydia's complaint?
--What's wrong with Venulda?
--What problem does Lydia have because of the cold?
--Why doesn't Lydia want to talk to the boss?
--What do Lydia and Venulda decide to do?

--Is it ever too cold or too hot in your workplace?
--How do you feel about it?
--Does it affect your work?
--What can you do?

Research: (Fact Sheet #5, Other Workplace Rights)

Break into groups. Answer the questions.
Group I: Read "If You Quit." Answer the questions, True or False (T or F)

1. If a woman quits her job because her boss is sexually harassing her, she can collect unemployment. _____

2. Maria quit her job because her factory moved far away and she had no car. She can collect unemployment. _____

3. Donna quit her job because it wasn't interesting. She can collect unemployment. _____

Group 2

Read "Concerted Activity." Answer the questions:

1.What does the NLRA give workers the right to do?

_____

_____

2. What should Lydia and Venulda do if they want to complain about the cold?

_____

_____

3. Should one person complain or should more than one person complain?
Why?_____

_____

_____

Group 4: Read "Other Laws" and "Conclusion."

True or False (T or F)

1. You must get time and a half for all hours over 30 in one week. _____

2. All women can get at least 8 weeks maternity leave. _____

3. Factories must be at least 60° . _____

4. Factories can not be any warmer than 85°. _____

5. You must get a 30 minute break if you work over 7 hours. _____

Read and Discuss:

Do you study English?_____
Where do you study?_____
Why do you study English?

_____

Does your class look like Alda's and Zulmira's? How is it the same or different?

_____

_____

What countries are people from in your class?

_____

Did you ever study English in other classes? What did you like?

_____

_____

_____

What makes a good ESL class? What makes a bad ESL class?

Good_____

_____

_____

_____

_____

Bad_____

_____

_____

_____

Write:

Here are three different titles. Pick one and write a paragraph. Tell your opinion, then give some reasons why you think that way. Use the discussion in class as a way to get your ideas.

A good ESL class
A good teacher
Why I study English

Safety and Health at Work

Work can be **hazardous** to your safety and health. You have a right as a worker to know how your workplace affects you. Here are a few of the safety and health problems which may be caused by your job.

Carpal Tunnel Syndrome

Do you have **pain, tingling,** or **numbness** in your hand, wrist, arm, or shoulder? Does it get worse at night and better if you don't work for a week? You may have **Carpal Tunnel Syndrome.** Carpal Tunnel Syndrome is an inflammation of your wrist that damages your nerves. It is caused by repeating the same hand movements over and over again -- especially hand movements that bend your wrist or put pressure on your fingers and hands.

Carpal Tunnel Syndrome is very serious. It can cause permanent **disability.** But if you catch it in time, a doctor can treat you successfully.The best treatment is to wear a **wrist splint** so you can rest your wrist. If all else fails, a doctor may recommend drugs or an operation.

The best way to deal with Carpal Tunnel Syndrome is to prevent it. Carpal Tunnel Syndrome could be prevented if your machine had a different design or if the movements of your job were changed so there is less stress on your body.

Stress

Do you have **headaches, insomnia, high blood pressure?** Do you feel **irritable** or **depressed?** You may suffer from stress. Stress is not just a personal problem. Stress can be caused by things at work like noise, boredom, pressure to work fast, low wages, and other things. Sometimes people treat stress with medicine -- they take aspirin, tranquilizers, blood pressure medication. But the only way to reduce stress is to change the conditions that cause it.

continued

Toxic Chemicals

Toxic (or poisonous) chemicals are another health hazard found in many workplaces.They are especially dangerous because you can't see them. Some problems caused by toxic chemicals are **breathing problems, lung disease** and **cancer.**

Formaldyhyde is one toxic chemical that may be found in your workplace. It is found in most fabric and is released into the air as fumes. Other chemicals, such as **polyvinyl chloride (PVC)** also create toxic fumes. These fumes are dangerous. Good ventilation helps. However, the best way to stay healthy is to ask for safe conditions and safe materials at work.

You have the right to know what toxic chemicals you work with and how they affect you. This is the law.

Occupational Safety and Health Act

The Occupational Safety and Health Act of l970 covers all the problems just described. The act says that all workers in this country have the right to a safe and healthy workplace. The agency that carries out this act is called **OSHA.** All workers have the right to call OSHA and ask for an **inspection** of their workplace. They can also ask that their names be kept secret. If OSHA decides there is a serious problem, they can require the company to correct the problem.

Sometimes there is a local committee on occupational safety and health that can advise you about health and safety at work. In Massachusetts, there is an organization called MassCOSH -- Massachusetts Coalition for Occupational Safety and Health.

Conclusion

Any group of workers also has the right, on its own, to petition or to protest against unsafe working conditions.

If you are a union member, your union contract may contain safety and health language that can be enforced through the grievance procedure.

You are entitled to a safe and healthy workplace. You can help to make sure you have one.

continued

MassCOSH (Massachusetts Coalition for Occupational Safety and Health)
241 St. Botolph Street
Boston, Massachusetts
02115 Phone: (617) 247-3456

OSHA - Regional Office
16-18 North Street
Boston, Massachusetts Phone: (617) 223-6710

Workers' Compensation Benefits

If you get sick or hurt at work, and you lose time at your job, you can still get an **income.** You are **eligible** for Workers' Compensation benefits. Workers' Compensation is insurance coverage that your **employer** must have in case you get sick or hurt at work. Workers' Compensation Benefits include pay for lost work time and medical costs.

What Can You Collect?

I. LOST WAGES

a. Totally Disabled - If you cannot work at all, you are called **totally disabled.** If you are totally disabled, you can collect **2/3 of your average weekly salary.** For example, if your weekly salary is 300.00, you can collect $200.00 a week under Workers' Compensation.

b. Partially Disabled - If you have to work fewer hours or on a different, lower paying job (because of a work injury or illness) you are called partially disabled. If you are partially disabled, you can collect **2/3 of your lost earning capacity.** Lost earning capacity is the difference between what you made before you got hurt or sick and what you made after. For example, if you made $400.00 a week before you got hurt, and $l00.00 a week after, you are losing $300.00 a week. That is your lost earning capacity. You can collect 2/3 of that $300.00, or $200.00 a week.

2. Medical Expenses - You can collect doctor's and hospital bills, prescriptions, braces, and travel to and from the doctor.

3. Re-training and Rehabilitation: If you cannot return to your old job because of injury or illness, you may be **entitled** to payments for re-training.That is, you can get trained for another job or career.

4. Payments for scars, amputations, and loss of function.That is, you can get a one-time payment for these injuries.

continued

Who is Eligible?

You are **eligible** (that is, you can collect Workers' Compensation benefits) if you can prove:

1. Your accident happened at work or on company grounds during work time.
For example, you fell in the company parking lot because it was covered with ice or you cut your finger on a machine.

OR

2. Your **illness** or **injury** is caused by conditions on your job. For example, Carpal Tunnel Syndrome, back problems, or even some cancers.

OR

3. Your injury or illness is from an old health problem that gets worse because of your job. For example, you had **allergies** or back problems that got worse because of your job.

Proving Your Case

You must be able to prove that your illness or injury is **work-related.** Because of this it is very important to:

1. Fill out an accident report **as soon as** an accident happens and make sure your employer fills one out and sends it to its insurance company.They have to send you a copy too. If you do not get a copy in the mail of your employer's report of injury, you should contact the insurance company directly.

2. Go to the hospital, health office or to a doctor for **treatment** and make sure there there is a record of your injury.

3. Write down the names of **witnesses.** A witness is someone who saw an accident or can say that you got sick from work.

continued

You should let your employer know **as soon as** an accident happens. You should also let the company know as soon as you realize that you have a work-related illness or injury. If you wait too long, you might lose your right to apply for Workers' Compensation Benefits.

How Long Does it Take?

You are eligible for benefits as soon as you have been out of work for **5 calendar days.** Your employer should tell the insurance company right away.You should check to make sure your employer does this. Within 2 or 3 weeks you should get an answer. Remember, if you do not get a copy of your employer's report of injury, you should contact the insurance company directly. The insurance company will either give you a check or say they will not pay. If they refuse to pay, you should file a **claim** at the **Industrial Accident Board.** Also, you may want to talk to a lawyer. You may have to go to a **hearing.** When the benefits come through, you will get paid from the first day you were out of work. This is called **retroactive** benefits.

Conclusion

You are entitled to Workers' Compensation by law, no matter whose fault the injury is. Even if you were **careless,** or an old medical problem got worse because of your job, you can still get Workers' Compensation. Remember that Workers' Compensation is insurance to protect you at work. Workers' Compensation is a right. But it is important to know your rights to get your rights. Ask your union officials or your teacher for more information about workers' compensation.

Discrimination

Have you been refused a job because of the color of your skin? Have you been denied a promotion because you're a woman? Do you get the lowest paid jobs because you're from another country and speak a different language? If so, you are probably a **victim** of employment discrimination. Employment discrimination is when you are treated **unfairly** on the job simply because of:

Your race
Your color
Your **national origin**
Your religion
Your age
Your sex
A physical or mental **disability**

Employment discrimination is illegal.

Discrimination can take many forms. Sometimes discrimination is easy to notice. For example, when an employer says to you: "

" I will not hire you for this job because you're a woman",

or

"We don't promote Blacks to supervisor"

or

"I'm sorry, but you're to old for this training program."

This type of discrimination is easy to prove because the employer has admitted the reason.

More often discrimination is not that **obvious**. A company may have a record of not promoting Blacks to management. If you ask for the reason they will say it is because the individuals were not **qualified**. Or a company may pay a man more than a woman doing basically the same job. If questioned they may explain some very minor differences in the jobs. Many companies use excuses like these. But if you see a pattern of unfair treatment toward certain groups, it is probably discrimination.

Sexual Harrassment

Sexual harassment is another form of discrimination. Sexual harassment is any unwanted sexual attention directed toward you on your job. You are a victim of sexual harassment if:

Your supervisor says he will promote you if you go out with him.

The man at the machine next to you puts pernographic pictures on your machine.

Your boss pinches you when he walks by, or other things like that. that.

If you have felt **pressured** into going along with the harassment, don't worry. The harassment is still illegal. You are not to blame.

All of the above forms of discrimination are illegal. If you think you are a victim of employment discrimination, you can file a complaint.

What can you do?

I. Talk to your union. Your **contract** probably protects you against discrimination.

2. Report the complaint to the **MCAD.** The MCAD (**Massachusetts Commission Against Discrimination)** is the Massachusetts agency that **enforces** laws against discrimination .Most states have similar agencies. Most workers should file their complaints with those agencies. There is also a federal agency called **EEOC- Equal Employment Opportunity Commission**. Federal employees should file complaints there.

In most cases you have six months to file a complaint. But it is best to file as soon as you are aware that you have been discriminated against. It is illegal for an employer to fire you or **discipline** you for filing a complaint.

You can also choose to remove your complaint from MCAD any time after you file it.

Once you file a complaint , the agency will assign an **investigator** to the case. The **investigator** will talk to you and others to figure out if discrimination has really taken place. If the invesitgator thinks you have been discriminated against, he or she will try to work out a solution between you and your employer. If you cannot agree on a solution, the agency will hold a hearing.

If they decide at the hearing that discrimination has taken place, they will order the company to change the situation. This might mean the company must change their rules, giving you back pay, promoting you etc. If you or the company are unhappy with the decision the next step is to go to court.

The MCAD may take a long time to complete all of these steps.

3. You can talk to a private lawyer about your case.

Conclusion

Remember, only the groups mentioned are protected by laws. Not all forms of unfair treatment are illegal. For example, most states do not protect homosexuals. If a boss gives his nephew a job instead of you, you are not protected by law. On the other hand, you may be protected by your union contract. Ask your union for more information about discrimination.

Unions

Are you in a union? Do you have friends or relatives who are in unions? Have you seen stories about unions on TV? Most people who work for a living have heard about unions. But not everyone knows what a union is. How did your union start? How does a union work? What is a union **contract?** What is the **grievance procedure?** Who makes **decisions?** If you are a worker, it is important to know the answers to these questions.

What is a Union?

A **labor union** is an organization of workers who join together to obtain decent wages, decent working conditions and respect. About twenty million workers in this country belong to unions. A union is many workers speaking together with one voice.

How Does a Workplace Become Unionized?

Labor unions do not just appear at workplaces. They must be **voted in** by the workers. The workers vote by **secret ballot** for or against the union. Before the **election,** people discuss and argue. They spend a lot of time talking about whether a union is good to have or not good to have. This period of time is called the **organizing drive.** During the organizing drive you may be asked to sign a union card to ask for a union election. Sometimes people are worried about signing a union card. There are laws that protect people who participate in unions from being fired. This includes signing a union card. When 31% of the workers have signed cards, they can file for an election. A government agency called the **NLRB** (**National Labor Relations Board**) will give you a date for an election. They will also run the election to make sure it is fair.

The Contract

If the union wins, the next step is to **negotiate** a union contract. A contract is a **document,** signed by the union and the employer, that guarantees certain wages, certain benefits, and certain rights. Many people think that workers' rights in this country are guaranteed by law. A few are. Most rights, however, are only guaranteed by a good contract.

continued

For example, you may have health insurance in a non-union workplace, but employers can take it away any time they want. Job security, also, is only guauranteed by a contract. In a non-union workplace, you can be fired any time the employer thinks that you work too slowly, talk too much, wear your hair long, etc. A contract has the weight of law and the employer must follow it.

Workers **participate** in getting a good contract in several ways. First, they choose a **negotiating committee.** The negotiating committee sits down with the company to discuss or argue about what to put into the contract. For some workers, higher wages might be the most important thing; for others, it might be a health and safety committee to make sure that workers don't get hurt or killed on the job. The negotiating committee will try to **hold out** for the best contract they can get. When they think they have a **reasonable offer** from the company, they will bring it to a **membership meeting.** Here **all the members** can vote whether to **accept** or **reject** the contract. If they reject it, the negotiating committee goes back to the **bargaining table** to try to get a better contract.

If the company does not offer a fair contract, the majority of the workers may vote to **strike.** Strikes are sometimes used to pressure the employer to give the workers what they feel they deserve. However, both the union and the employer like to **avoid** strikes becuase they cause a lot of hardship. Strikes occur in only about 1% of all contract negotiations. If the membership votes to accept the contract, they start working with new protections, wages, and benefits.

The Grievance Procedure

One of the most important items in your contract is the grievance procedure. The grievance procedure gives every worker the right to make sure the contract is followed. For example, suppose the contract says that overtime must be given out by seniority. Suppose your supervisor has a favorite and always gives the work to that person instead. If you have been passed over you can speak to your shop steward. Your shop steward is someone you **elect** or someone who is chosen to **represent** you. Your shop steward will speak to the supervisor and try to **resolve** the situation. If talking doesn't work,the steward may file a grievance. If that doesn't work, the complaint may go to **arbitration**. At arbitration, the union argues your case, the company argues its case, and a **neutral** person decides if the contract is being followed. However, most grievances are resolved at the early stages.

continued

Union Democracy

A union is democratic. This means that decisions are made by voting. You vote for the union. You vote to **ratify** your contract. You vote for your officers. You vote for your shop stewards. Everyone has the right to voice opinions at union meetings. You are the union, not the officers or the steward. You elect them to represent you. Everyone is entitled to a copy of the union contract, so you can stand up for your rights.

In a union, as in any group, sometimes people disagree or get angry about how things are done. If you participate in your union, you can help make things the way YOU want them to be.

Know Your Workplace Rights

Have you ever wondered if you have to work **overtime?** If you can be fired without a **warning?** If your workplace must be a certain temperature?

There are some laws that protect workers on the job. Other areas are totally unprotected by law .

Unemployment Insurance

All workers who are **laid-off** are entitled to **unemployment insurance benefits.** You are also entitled to unemployment insurance in many cases if you quit or if you are fired.

You should file a **claim** at your nearest **DES office** as soon as you stop working. DES stands for **Division of Employment Security.** This is the agency that **enforces and administers** the unemployment laws. If you are laid-off, your claim will generally be processed quickly. If you quit or are fired it may take longer.

Your benefits - when you get them - will be 1/2 your average weekly wage. For example: If your weekly wage is $300.00, your weekly benefits will be $150.00.

Sometimes you can collect if you are fired. You cannot collect if you are fired for "deliberate misconduct." Deliberate misconduct means that you did something on purpose that was against the rules or hurt the company in some way. For example, you **cannot** collect If you are lazy and are always fooling around on the job. That is deliberate misconduct. You cannot collect unemployment insurance.

If you work as hard as you can but cannot keep up with the work, that is not deliberate misconduct. You can collect unemployment benefits.

If you quit

It is harder to collect unemployment if you quit . But it is sometimes possible. If you resign for **"good cause"** or for **"urgent, necessary, and compelling"** personal reasons, you can collect. For example, you can collect if you quit because:

- You are being sexually **harassed.**
- Your plant moves too far away.
- Your working conditions are very bad--poor ventilation, too hot, etc.
- Your working conditions are unsafe.
- You aren't paid on time, or
- Your spouse is transferred and you have to move far away, etc.

continued

If you apply for unemployment insurance and are denied, you can **appeal.** You have the right to a **hearing**. About 1/3 of the people who appeal win their cases.

Concerted Activity (Workers Acting Together)

The **National Labor Relations Act** gives workers the right to engage in **concerted activities.** This means you can protest unfair or unsafe conditions, unfair discipline,and other things as long as more than one person protests. You can go to talk to the boss, circulate petitions, even picket the entrance, if you do it with two or more people.This means it is safer to talk to the boss or to try to make changes when you do it with other workers. You are not protected if you complain or try to make changes all by yourself.

Other Laws

These are some other laws that protect you on the job.

- You must get time and a half for all hours over 40 in one week.
- All women can get at least 8 weeks unpaid maternity leave.
- Factories must be at least 60°. (But there is no upper temperature law).
- You must be allowed to sit, unless it keeps you from doing your job.
- You must get a 30 minute break if you work 6 hours.
- You must have 6 bathrooms for 150 employees.
- Most employers cannot ask you about your criminal record on an employment application.

To see who **enforces** these laws, look at the list at the end of your fact sheet.

Conclusion:

Labor laws protect you only up to a certain point. Many things you may think should be protected are not. For example:

- If the foreman's brother is promoted instead of you and you've been there longer. **NO PROTECTION**

- If the company suddenly cut your pay form $ 6.00/hr to $4.00/hr. **NO PROTECTION**

Very often the only protection you have is to join together with other workers to protest or to form a union.

Union contracts can provide many protections that laws do not provide.

continued

One more point

Labor laws are different from other laws. The police are watching to make sure you do not drive over the speed limit. But no one is watching to see if your employer is following the labor laws - except you. This is why it is so important to know your rights.

If you have questions about labor laws, there are many places to ask. In Massachusetts you can contact:

Dept. of Labor and Industries
100 Cambridge Street 11th Floor
Boston, MA 02202
(617) 727-3454

Minimum Wage Division
Dept. of Labor & Industries
100 Cambridge Street 11th Floor
Boston, MA 02202
(617) 727-3476
or
151 Rock Street
Fall River, MA 02720
(508) 675-7962

Labor Education Center
Southeastern Massachusetts University
North Dartmouth, MA 02747
(508) 999-8007

Who enforces the laws?

Unemployment : Division of Employment Security
(see telephone book for local offices)

Concerted Activities : National Labor Relations Board
120 Boylston Street
Boston, MA 02116
Phone: (617) 227-3300

Overtime : Wages and Hour Division of US Dept. of Labor
Room 462, Park Sq. Bldg.
31 St. James Ave.
Boston, MA 02116
(617) 223-6751

continued

MCAD Maternity Leave & Criminal Inquiry Law
One Ashburton Place
Boston, MA 02108 (617) 727-3990
or
222 Union Street
New Bedford, MA 02740
(508) 997-3191

Temperature, Sitting, Bathrooms, Breaks :
Mass Dept of Labor and Industries

(address on previous page)

For information in states other than Massachusetts, contact the US Dept. of Labor or your state government for your state Dept. of Labor.

List of Works Cited

Alan, Margaret. *Teaching English with Video.*
Harlow, Essex, England; Longman Publishing Company.

Auerbach, Elsa and Wallerstein, Nina. *ESL for Action: Problem Posing at Work.*
Reading, MA; Addison Wesley Publishing Company, 1987.

Barndt, Deborah. *English at Work: A Toolkit for Teachers.*
Toronto, Canada; CORE Foundation, 1986. (5050 Yonge Street, North York, Ontario, Canada)

Freire, Paulo. *The Politics of Education.*
South Hadley, MA; Bergin and Garvey, 1985.

Paul, Michael, ed. *Mental Health in the ESL Classroom.*
New York, NY; ACNS 1986. (ACNS, 95 Madison Avenue, New York, NY 10016)

Wallerstein, Nina. *Language and Culture in Conflict.*
Reading, MA; Addison Wesley Publishers, 1983.

Discrimination

Have you been refused a job because of the color of your skin? Have you been denied a promotion because you're a woman? Do you get the lowest paid jobs because you're from another country and speak a different language? If so, you are probably a **victim** of employment discrimination. Employment discrimination is when you are treated **unfairly** on the job simply because of:

Your race
Your color
Your **national origin**
Your religion
Your age
Your sex
A physical or mental **disability**

Employment discrimination is illegal.

Discrimination can take many forms. Sometimes discrimination is easy to notice. For example, when an employer says to you: "

" I will not hire you for this job because you're a woman",

or

"We don't promote Blacks to supervisor"

or

"I'm sorry, but you're to old for this training program."

This type of discrimination is easy to prove because the employer has admitted the reason.

More often discrimination is not that **obvious**. A company may have a record of not promoting Blacks to management. If you ask for the reason they will say it is because the individuals were not **qualified**. Or a company may pay a man more than a woman doing basically the same job. If questioned they may explain some very minor differences in the jobs. Many companies use excuses like these. But if you see a pattern of unfair treatment toward certain groups, it is probably discrimination.

Sexual Harrassment

Sexual harassment is another form of discrimination. Sexual harassment is any unwanted sexual attention directed toward you on your job. You are a victim of sexual harassment if:

Your supervisor says he will promote you if you go out with him.

The man at the machine next to you puts pernographic pictures on your machine.

Your boss pinches you when he walks by, or other things like that. that.

If you have felt **pressured** into going along with the harassment, don't worry. The harassment is still illegal. You are not to blame.

All of the above forms of discrimination are illegal. If you think you are a victim of employment discrimination, you can file a complaint.

What can you do?

I. Talk to your union. Your **contract** probably protects you against discrimination.

2. Report the complaint to the **MCAD.** The MCAD (**Massachusetts Commission Against Discrimination)** is the Massachusetts agency that **enforces** laws against discrimination .Most states have similar agencies. Most workers should file their complaints with those agencies. There is also a federal agency called **EEOC- Equal Employment Opportunity Commission**. Federal employees should file complaints there.

In most cases you have six months to file a complaint. But it is best to file as soon as you are aware that you have been discriminated against. It is illegal for an employer to fire you or **discipline** you for filing a complaint.

You can also choose to remove your complaint from MCAD any time after you file it.

Once you file a complaint , the agency will assign an **investigator** to the case. The **investigator** will talk to you and others to figure out if discrimination has really taken place. If the invesitgator thinks you have been discriminated against, he or she will try to work out a solution between you and your employer. If you cannot agree on a solution, the agency will hold a hearing.

If they decide at the hearing that discrimination has taken place, they will order the company to change the situation. This might mean the company must change their rules, giving you back pay, promoting you etc. If you or the company are unhappy with the decision the next step is to go to court.

The MCAD may take a long time to complete all of these steps.

3. You can talk to a private lawyer about your case.

Conclusion

Remember, only the groups mentioned are protected by laws. Not all forms of unfair treatment are illegal. For example, most states do not protect homosexuals. If a boss gives his nephew a job instead of you, you are not protected by law. On the other hand, you may be protected by your union contract. Ask your union for more information about discrimination.

Unions

Are you in a union? Do you have friends or relatives who are in unions? Have you seen stories about unions on TV? Most people who work for a living have heard about unions. But not everyone knows what a union is. How did your union start? How does a union work? What is a union **contract?** What is the **grievance procedure?** Who makes **decisions?** If you are a worker, it is important to know the answers to these questions.

What is a Union?

A **labor union** is an organization of workers who join together to obtain decent wages, decent working conditions and respect. About twenty million workers in this country belong to unions. A union is many workers speaking together with one voice.

How Does a Workplace Become Unionized?

Labor unions do not just appear at workplaces. They must be **voted in** by the workers. The workers vote by **secret ballot** for or against the union. Before the **election,** people discuss and argue. They spend a lot of time talking about whether a union is good to have or not good to have. This period of time is called the **organizing drive.** During the organizing drive you may be asked to sign a union card to ask for a union election. Sometimes people are worried about signing a union card. There are laws that protect people who participate in unions from being fired. This includes signing a union card. When 31% of the workers have signed cards, they can file for an election. A government agency called the **NLRB** (**National Labor Relations Board**) will give you a date for an election. They will also run the election to make sure it is fair.

The Contract

If the union wins, the next step is to **negotiate** a union contract. A contract is a **document,** signed by the union and the employer, that guarantees certain wages, certain benefits, and certain rights. Many people think that workers' rights in this country are guaranteed by law. A few are. Most rights, however, are only guaranteed by a good contract..

continued

For example, you may have health insurance in a non-union workplace, but employers can take it away any time they want. Job security, also, is only guauranteed by a contract. In a non-union workplace, you can be fired any time the employer thinks that you work too slowly, talk too much, wear your hair long, etc. A contract has the weight of law and the employer must follow it.

Workers **participate** in getting a good contract in several ways. First, they choose a **negotiating committee.** The negotiating committee sits down with the company to discuss or argue about what to put into the contract. For some workers, higher wages might be the most important thing; for others, it might be a health and safety committee to make sure that workers don't get hurt or killed on the job. The negotiating committee will try to **hold out** for the best contract they can get. When they think they have a **reasonable offer** from the company, they will bring it to a **membership meeting.** Here **all the members** can vote whether to **accept** or **reject** the contract. If they reject it, the negotiating committee goes back to the **bargaining table** to try to get a better contract.

If the company does not offer a fair contract, the majority of the workers may vote to **strike.** Strikes are sometimes used to pressure the employer to give the workers what they feel they deserve. However, both the union and the employer like to **avoid** strikes becuase they cause a lot of hardship. Strikes occur in only about 1% of all contract negotiations. If the membership votes to accept the contract, they start working with new protections, wages, and benefits.

The Grievance Procedure

One of the most important items in your contract is the grievance procedure. The grievance procedure gives every worker the right to make sure the contract is followed. For example, suppose the contract says that overtime must be given out by seniority. Suppose your supervisor has a favorite and always gives the work to that person instead. If you have been passed over you can speak to your shop steward. Your shop steward is someone you **elect** or someone who is chosen to **represent** you. Your shop steward will speak to the supervisor and try to **resolve** the situation. If talking doesn't work,the steward may file a grievance. If that doesn't work, the complaint may go to **arbitration**. At arbitration, the union argues your case, the company argues its case, and a **neutral** person decides if the contract is being followed. However, most grievances are resolved at the early stages.

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Union Democracy

A union is democratic. This means that decisions are made by voting. You vote for the union. You vote to **ratify** your contract. You vote for your officers. You vote for your shop stewards. Everyone has the right to voice opinions at union meetings. You are the union, not the officers or the steward. You elect them to represent you. Everyone is entitled to a copy of the union contract, so you can stand up for your rights.

In a union, as in any group, sometimes people disagree or get angry about how things are done. If you participate in your union, you can help make things the way YOU want them to be.

Know Your Workplace Rights

Have you ever wondered if you have to work **overtime?** If you can be fired without a **warning?** If your workplace must be a certain temperature?

There are some laws that protect workers on the job. Other areas are totally unprotected by law .

Unemployment Insurance

All workers who are **laid-off** are entitled to **unemployment insurance benefits.** You are also entitled to unemployment insurance in many cases if you quit or if you are fired.

You should file a **claim** at your nearest **DES office** as soon as you stop working. DES stands for **Division of Employment Security.** This is the agency that **enforces and administers** the unemployment laws. If you are laid-off, your claim will generally be processed quickly. If you quit or are fired it may take longer.

Your benefits - when you get them - will be 1/2 your average weekly wage. For example: If your weekly wage is $300.00, your weekly benefits will be $150.00.

Sometimes you can collect if you are fired. You cannot collect if you are fired for "deliberate misconduct." Deliberate misconduct means that you did something on purpose that was against the rules or hurt the company in some way. For example, you **cannot** collect If you are lazy and are always fooling around on the job. That is deliberate misconduct. You cannot collect unemployment insurance.

If you work as hard as you can but cannot keep up with the work, that is not deliberate misconduct. You can collect unemployment benefits.

If you quit

It is harder to collect unemployment if you quit . But it is sometimes possible. If you resign for **"good cause"** or for **"urgent, necessary, and compelling"** personal reasons, you can collect. For example, you can collect if you quit because:

- You are being sexually **harassed.**
- Your plant moves too far away.
- Your working conditions are very bad--poor ventilation, too hot, etc.
- Your working conditions are unsafe.
- You aren't paid on time, or
- Your spouse is transferred and you have to move far away, etc.

continued

If you apply for unemployment insurance and are denied, you can **appeal.** You have the right to a **hearing**. About 1/3 of the people who appeal win their cases.

Concerted Activity (Workers Acting Together)

The **National Labor Relations Act** gives workers the right to engage in **concerted activities.** This means you can protest unfair or unsafe conditions, unfair discipline,and other things as long as more than one person protests. You can go to talk to the boss, circulate petitions, even picket the entrance, if you do it with two or more people.This means it is safer to talk to the boss or to try to make changes when you do it with other workers. You are not protected if you complain or try to make changes all by yourself.

Other Laws

These are some other laws that protect you on the job.

- You must get time and a half for all hours over 40 in one week.
- All women can get at least 8 weeks unpaid maternity leave.
- Factories must be at least 60°. (But there is no upper temperature law).
- You must be allowed to sit, unless it keeps you from doing your job.
- You must get a 30 minute break if you work 6 hours.
- You must have 6 bathrooms for 150 employees.
- Most employers cannot ask you about your criminal record on an employment application.

To see who **enforces** these laws, look at the list at the end of your fact sheet.

Conclusion:

Labor laws protect you only up to a certain point. Many things you may think should be protected are not. For example:

- If the foreman's brother is promoted instead of you and you've been there longer. **NO PROTECTION**

- If the company suddenly cut your pay form $ 6.00/hr to $4.00/hr. **NO PROTECTION**

Very often the only protection you have is to join together with other workers to protest or to form a union.

Union contracts can provide many protections that laws do not provide.

continued

One more point

Labor laws are different from other laws. The police are watching to make sure you do not drive over the speed limit. But no one is watching to see if your employer is following the labor laws - except you. This is why it is so important to know your rights.

If you have questions about labor laws, there are many places to ask. In Massachusetts you can contact:

Dept. of Labor and Industries
100 Cambridge Street 11th Floor
Boston, MA 02202
(617) 727-3454

Minimum Wage Division
Dept. of Labor & Industries
100 Cambridge Street 11th Floor
Boston, MA 02202
(617) 727-3476
or
151 Rock Street
Fall River, MA 02720
(508) 675-7962

Labor Education Center
Southeastern Massachusetts University
North Dartmouth, MA 02747
(508) 999-8007

Who enforces the laws?

Unemployment : Division of Employment Security
(see telephone book for local offices)

Concerted Activities : National Labor Relations Board
120 Boylston Street
Boston, MA 02116
Phone: (617) 227-3300

Overtime : Wages and Hour Division of US Dept. of Labor
Room 462, Park Sq. Bldg.
31 St. James Ave.
Boston, MA 02116
(617) 223-6751

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